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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,297	02/27/2004	Hao Xue	51085-6 /slb	6561
7380 7590 03/15/2007 SMART & BIGGAR P.O. BOX 2999, STATION D 900-55 METCALFE STREET OTTAWA, ON K1P5Y6 CANADA			EXAMINER NGUYEN, TUAN HOANG	
			ART UNIT 2618	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/15/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/787,297	XUE ET AL.	
	Examiner	Art Unit	
	Tuan H. Nguyen	2618	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed on 10/05/2006 with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-4, 10-11, and 20-21, are rejected under 35 U.S.C. 102(e) as being anticipated by Ericsson, Motorola, Siemens, Nokia Technical Specification (Push to Talk

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over Cellular (PoC); User Requirements; PoC Release 1.0; User Requirements V 1.1.1 (2003-10) hereinafter, "Ericsson").

Consider claims 1 and 10, Ericsson teaches a talk request processing in a do-not-disturb (DnD) capable communication system, comprising: receiving a talk request for a requested walkie-talkie-like (PoC) communications session involving a user device capable of walkie-talkie-like functionality (page 13 paragraph 5.10 Access List management e.g., on the reject list the user maintains users and/or groups from whom the user does not accept to receive instant talk session requests); and selectively overriding DnD functionality for the requested walkie-talkie-like communications session (page 13 paragraph 5.8 Do-Not-Disturb e.g., a user shall be able to easily activate and deactivate the DnD function) based on an ignoreDnD attribute for the user device applied to a criterion of the talk request (page 17 paragraph 6.2.1.1 Inviting User e.g., the system shall check the inviting user registered, incoming session are not blocked (read on ignoreDnD) for any reason when DnD is active).

Consider claim 20, Ericsson teaches a user device capable of walkie-talkie-like functionality for a do-not-disturb (DnD) capable communication system, the user device comprising: a user interface adapted to accept an external input (inviting user) to modify an ignoreDnD attribute for the user device, the ignoreDnD attribute concerning a criterion of a talk request; an ignoreDnD attribute request generator responsive to said external input adapted to send a network call processing server a request to update the

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ignoreDnD attribute of the user device (page 17 paragraph 6.2.1.1 Inviting User e.g., the system shall check the inviting user registered (read on update the ignoreDnD), incoming session are not blocked (read on ignoreDnD) for any reason when DnD is active).

Consider claims 2, 11, and 21, Ericsson further teaches the user device is a wireless device (page 11 paragraph 5.3).

Consider claim 3, Ericsson further teaches the ignoreDnD attribute comprises an ignoreDnD flag, and wherein selectively overriding said DnD functionality is a function of the ignoreDnD flag (page 13 paragraph 5.10 Access List Management).

Consider claim 4, Ericsson further teaches the ignoreDnD attribute comprises at least one predetermined ignore reason value, and wherein selectively overriding said DnD functionality is a function of the at least one predetermined ignore reason value (page 6 [0078]).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-9, 12-19, 22-23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ericsson, Motorola, Siemens, Nokia Technical Specification (Push to Talk over Cellular (PoC); User Requirements; PoC Release 1.0; User Requirements V 1.1.1 (2003-10) hereinafter, "Ericsson") in view of Griffiths (U.S. PUB. 2002/0186827).

Consider claim 5, Ericsson teaches the ignoreDnD attribute comprises at least one predetermined ignore reason value, and wherein selectively overriding said DnD functionality is a function of the at least one predetermined ignore reason value.

Ericsson does not explicitly show that teaches the talk request has a current state associated therewith, the current state being one of a number of possible current states for the talk request, wherein each predetermined ignore reason value represents a corresponding possible current state for the talk request, the method further comprising: evaluating the ignoreDnD flag to determine whether further ignoreDnD processing is to be performed and if evaluating the ignoreDnD flag determines that further ignoreDnD processing is to be performed: a) determining the current state of the talk request; and b) for each of the at least one predetermined ignore reason value: i) comparing the corresponding possible current state with the current state of the talk request; wherein said DnD functionality is overridden if any corresponding possible current state matches the current state of the talk request.

In the same field of endeavor, Griffiths teaches teaches the talk request has a current state associated therewith, the current state being one of a number of possible

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current states for the talk request, wherein each predetermined ignore reason value represents a corresponding possible current state for the talk request, the method further comprising: evaluating the ignoreDnD flag to determine whether further ignoreDnD processing is to be performed (page 6 [0078]), and if evaluating the ignoreDnD flag determines that further ignoreDnD processing is to be performed: a) determining the current state of the talk request (page 4 [0054]); and b) for each of the at least one predetermined ignore reason value: i) comparing the corresponding possible current state with the current state of the talk request; wherein said DnD functionality is overridden if any corresponding possible current state matches the current state of the talk request (page 6 [0078]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, the talk request has a current state associated therewith, the current state being one of a number of possible current states for the talk request, wherein each predetermined ignore reason value represents a corresponding possible current state for the talk request, the method further comprising: evaluating the ignoreDnD flag to determine whether further ignoreDnD processing is to be performed and if evaluating the ignoreDnD flag determines that further ignoreDnD processing is to be performed: a) determining the current state of the talk request; and b) for each of the at least one predetermined ignore reason value: i) comparing the corresponding possible current state with the current state of the talk request; wherein said DnD functionality is overridden if any corresponding possible current state matches the current state of the talk request, as taught by Griffiths, in order to implement a call

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administration service, permitting both interactive and automatic denial and routing of calls, under the direction of subscriber provisioning.

Consider claims 6 and 15, Griffiths further teaches each possible current state of the number of possible current states for the talk request is a priority state of the talk request at the time it was received (page 3 [0035]).

Consider claims 7 and 16, Griffiths further teaches the ignoreDnD flag comprises a boolean value, and wherein: evaluating the ignoreDnD flag comprises identifying the boolean values and comparing the boolean value to a predetermined boolean value indicative of whether further processing is to be performed (page 2 [0017]).

Consider claims 8 and 17, Griffith further teaches the number of possible current states for the talk request comprise at least one of "urgent", and "emergency" (page 1 [0005]).

Consider claims 9 and 18, Ericsson further teaches maintaining the ignoreDnD attribute for a plurality of user devices as a function of inputs received from the user devices (page 17 paragraph 6.2.1.1).

Consider claim 12, Ericsson further teaches the network call function comprises: a data store adapted to store the ignoreDnD attribute for the user device (page 11



paragraph 5.2); a DnD processing function adapted to provide DnD functionality (page 11 paragraph 5.2); and an ignoreDnD processing function adapted to override DnD functionality for the requested communications session as a function of the ignoreDnD attribute stored in the data store for the user device (page 17 paragraph 6.2.1.1).

Consider claim 13, Griffiths further teaches the ignoreDnD attribute comprises an ignoreDnD flag and at least one predetermined ignore reason value, and wherein the ignoreDnD processing function selectively overrides said DnD functionality as a function of the ignoreDnD flag and the at least one predetermined ignore reason value (page 6 [0078]).

Consider claim 14, Griffiths further teaches the talk request has a current state associated therewith, the current state being one of a number of possible current states for the talk request, wherein each predetermined ignore reason value represents a corresponding possible current state for the talk request, wherein the ignoreDnD processing function: retrieves the ignoreDnD attribute from the data store (page 6 [0070]); and evaluates the ignoreDnD flag to determine whether further ignoreDnD processing is to be performed, and if evaluating the ignoreDnD flag determines that further ignoreDnD processing is to be performed: a) determines the current state of the talk request (page 4 [0054]); and b) for each of the at least one predetermined ignore reason value: i) compares the corresponding possible current state with the current state of the talk request (page 6 [0078]); wherein said DnD functionality is overridden if

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any corresponding possible current state matches the current state of the talk request (page 6 [0078]).

Consider claim 19, Griffiths further teaches a talk request processing system in the form of a call processing server (page 9 [0109]).

Consider claim 22, Griffiths further teaches a user interface display for displaying modifications for the ignoreDnD attribute indicated by the external input (page 6 [0075]).

Consider claim 23, Griffiths further teaches the user interface is further adapted to accept an external query input to retrieve an ignoreDnD attribute for the user device, the ignore DnD attribute request generator is further adapted to: (a) send a network call processing server a query to retrieve the ignoreDnD attribute of the user device (page 6 [0070]); and b) receive a response to said query from the network; wherein the user interface display is adapted to, in response to the ignoreDnD attribute request generator receiving the response to said query, display the ignoreDnD attribute for the user device (page 4 [0053]).

Consider claim 12, Ericsson further teaches a computer readable medium having computer executable instructions stored thereon for execution on a processor (page 13 paragraph 5.10 Group List Management e.g., Group List Management shall allow the user equipment (computer) to reliably store and retrieve the groups located in the Group

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List Management server).

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any response to this action should be mailed to:

Mail Stop\_\_\_\_\_ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

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Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571)272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571)272-7882882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information Consider the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuan Nguyen  
Examiner  
Art Unit 2618

T.N.

  
NAY MAUNG  
SUPERVISORY PATENT EXAMINER